



Department of Justice

United States Attorney Richard S. Hartunian
Northern District of New York

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CONTACT: FAUSA Grant C. Jaquith
(518) 431-0247

FORMER LAWYER SENTENCED TO PRISON FOR OBSTRUCTION OF JUSTICE

Albany, New York – David A. Ehrlich, 38, of Cohoes, was sentenced today to be imprisoned for 12 months and 1 day upon his conviction for obstruction of justice, announced United States Attorney Richard S. Hartunian and Special Agent-in-Charge Andrew W. Vale of the Albany Division of the Federal Bureau of Investigation. Ehrlich, a former lawyer, pled guilty in March to obstructing justice in *United States v. Joseph P. Brown*, a criminal appeal before the United States Court of Appeals for the Second Circuit. Ehrlich admitted that he was paid \$7500 to handle the *Brown* appeal, but prepared and provided to Brown's wife a brief Ehrlich falsely represented had been filed, and later prepared and provided to Brown's wife a document, dated May 13, 2008, that Ehrlich falsely represented to be the written decision of the Second Circuit Court of Appeals denying Brown's appeal.

Because no brief was filed, the Court of Appeals dismissed the appeal. When Brown found out he had been denied his right to pursue an appeal by Ehrlich's conduct, Brown prepared and filed motions for relief. There was litigation in both the U.S. District Court for the Northern District of New York and the Court of Appeals, and Brown was permitted to pursue his appeal. On January 12, 2010, the Court of Appeals actually decided Brown's appeal, ordering a limited remand to the District Court to strike a special condition of Brown's supervised release, but otherwise affirming Brown's sentence. Meanwhile, the Albany Division of the Federal Bureau of Investigation

conducted a thorough investigation into what had happened, revealing that Ehrlich had falsified the Court of Appeals decision and resulting in the charges in this case.

Ehrlich was directed to report on October 1st to the facility designated by the Bureau of Prisons to begin serving his term of imprisonment. When that is completed, Ehrlich will be on supervised release for 1 year. The sentence included restitution in the total amount of \$8900, which Ehrlich had provided in advance of sentencing (comprised of the \$7500 paid by the Browns and \$1400 paid by two other clients whose cases were encompassed by Count 2 of the Indictment). In imposing the sentence, Chief U.S. District Judge Gary L. Sharpe cited the need for deterrence and the importance of maintaining public respect for our system of justice.

On April 22, 2010, Ehrlich was disbarred in New York by the Supreme Court, Appellate Division, Third Department, for professional misconduct, including “attempting to mislead and deceive his clients about the status of their cases and falsifying court documents.” Ehrlich also was disbarred by Florida, Massachusetts, and the U.S. Supreme Court.

First Assistant United States Attorney Grant Jaquith prosecuted the federal criminal case, and said: “The proper functioning of the system of laws that is the cornerstone of our democracy depends on the candor and ethics of our lawyers. Every lawyer knows that no case, client, or fee, no advantage in litigation, and no escape from a mistake or predicament justifies compromising your integrity. David Ehrlich’s falsification of a decision of the Court of Appeals victimized his clients and struck at the heart of the process for the fair administration of justice.” United States Attorney Hartunian thanked the Albany Division of the Federal Bureau of Investigation, the Committee on Professional Standards for the Third Judicial Department of the Appellate Division of the Supreme Court for the State of New York, and The Lawyers’ Fund for Client Protection of the State of New

York for their vigilance and outstanding work to address Ehrlich's conduct and restore fairness for his clients.

FBI Albany Special Agent in Charge Andrew W. Vale said "The FBI will continue to work with the United States Attorney's Office and our local partners to bring justice to those who seek to disregard and disrespect the very system to which they are pledged to honor and advance. Today's sentencing demonstrates that such disrespect of the judicial system will not be tolerated."

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